



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

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MINUTES OF FULL COMMISSION MEETING

April 10, 2018

One Judiciary Square, Suite 430S, Washington, DC 20001

Voting Members in Attendance:

Milton C. Lee

Frederick Weisberg

Katerina Semyonova

Molly Gill

Marvin Turner

Julie Samuels

Cedric Hendricks

Non-Voting Members in Attendance:

Robert Contee

Judi S. Garrett

Stephen Husk

Staff in Attendance:

Barbara Tombs-Souvey

Mia Hebb

Linden Fry

Miatta Sesay

Taylor Tarnalicki

- I.** Chairman Lee called the meeting to order at 5:05 p.m.
- II.** Welcome New Commission Member – Informational Item, Chairman Lee

Chairman Lee announced that Metropolitan Police Department Chief Peter Newsham appointed Robert J. Contee, Assistant Chief, to replace Assistant Chief, Michael Anzallo as his representative and non-voting member on the Commission. Charmain Lee, Commission members, and Staff welcomed him.
- III.** The minutes from March 20, 2018 were briefly discussed and approved.
- IV.** Sentencing Guideline Manual Revision Schedule – Informational Item, Linden Fry

2018 Sentencing Guideline Revision Schedule: Linden Fry briefly discussed the 2018 Voluntary Sentencing Guidelines Manual that will be released in June 2018. He asked Commission members who are interested in participating in the Guideline Implementation Committee meeting, or that may have proposed changes to the Manual, to contact him by April 17, 2018. Mr. Fry stated that the Committee will meet in early May and proposed revisions will be brought to the full Commission during the May 2018 meeting.

V. Continued Discussion of Criminal History Issues Identified at Retreat -Participatory – Chairman Lee, Linden Fry and Barbara Tombs-Souvey

Criminal History Continued Discussion: Chairman Lee briefly gave an overview of the ongoing discussion regarding the Double Counting of certain prior offenses. This issue was initially raised during at the Commission’s November 2017 Retreat. The Chairman encouraged Commission members to review the distributed memorandums summarizing possible changes to the manner in which a defendant’s criminal history is calculated and used in sentencing. Chairman Lee turned the discussion over to Linden Fry to describe possible approaches to avoid double counting for two specific prior offenses: Unlawful Possession of a Firearm, Prior Conviction (UPF-Prior Felony) and Unlawful Possession of Firearm, Prior Crime of Violence (UPF-Prior-COV). Both of these offenses involve possessing a firearm after being convicted of qualifying offense. Mr. Fry noted that for these offenses, one prior offense can penalize a defendant twice by increasing both the defendant’s Offense Severity Group and Criminal History score. He also reviewed the problem judges encounter when sentencing defendants convicted of UPF-Prior Felony who fall in Master Grid Box 7:B, due to the required one-year mandatory minimum sentence.

After Mr. Fry concluded, the Chairman opened the floor for feedback from the Commission members on the proposed solutions presented. The Commission members raised questions and discussed the various proposed approaches. Much of the discussion focused on re-ranking UPF-Prior Felony from Master Group 7 to Master Group 8. Chairman Lee stated that the Commission would continue the discussion at the next meeting to allow USAO to give their feedback before moving forward.

VI. Prioritization of Criminal History Related Issues – Informational, Chairman Lee

Chairman Lee asked the Commission members to rank the Criminal History Issues Identified from November’s Retreat via email to Ms. Tombs-Souvey by next Commission meeting.

VII. Meeting Adjourned at 6:10 p.m.

NEXT MEETING:

May 22, 2018
One Judiciary Square (441 4th Street, NW) Suite 430S.